

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, August 1, 2006 4:00 PM

MEMBERS

PRESENT: Bonilla-Baker, Funk, Mikesell, Ritter, Simpson, Soderberg, and Yarnevich

MEMBERS Schneider and Weisel

ABSENT:

STAFF

PRESENT: Andrew, Burger, Herrs, Jeanfreau and Johnson

Item #1. Approval of the minutes of the regular meeting held on July 18, 2006.

The minutes of the July 18, 2006 meeting were approved as presented.

Item #2. Application #Z06-9, filed by Mark Frazier, requesting a change in zoning district classification from R (Single-Family Residential) district to I-2 (Light Industrial) district to allow plumbing equipment storage. The subject property is a tract of land located on the south side of Prospect Avenue 1165 ft. east of Ohio Street and is addressed as 1328 Prospect Avenue.

Mr. Andrew stated we will have Mr. Herrs present this report although I'm not sure if we have an applicant present or not.

Mr. Simpson asked is there anybody here to speak to this application? Apparently not.

Mr. Andrew stated we could hold it over to the end of the agenda.

Mr. Simpson stated alright we will skip Item #2. for now and move on to Item #3.

Item #3. Application #Z06-10, filed by Joan Wilson, requesting a change in zoning district classification from C-1 (Restricted Business) district and R-3 (Multi-Family Residential) district to C-3 (Shopping Center) district. The subject property is legally described as Lots Four (4) and Twelve (12) and the South Seventy (70) Feet of Lot Eleven (11), Block Ten (10), Shalimar Plaza Addition to the City of Salina, Saline County, Kansas and addressed as 2075 S. Ohio Street.

Mr. Andrew gave the staff report which is contained in the case file.

Mr. Simpson asked Dean on a C-2 you can have two signs per business, now would that be lumping then the three buildings together?

Mr. Andrew stated well you could have with the three buildings, if you had say two businesses in each of the three buildings then you could be looking at a total of maybe twelve signs.

Mr. Simpson asked so it's per business not per building?

Mr. Andrew stated it's per business. Generally those signs are done on the wall of the business. There is still a limitation of one square foot of sign area which is different than the four square feet of sign area that you have in C-3.

The Great Plains Federal Credit Union is zoned as a C-2 designation whereas Dr. LaPierre's office has a C-1 zoning designation.

Mr. Mikesell asked so for figuring purposes you are figuring roughly 130 linear feet on that direction of the building the way it sits for figuring purposes?

Mr. Andrew stated yes when we have a situation like this we try to figure the long side, we wouldn't treat the 36 feet as the frontage, we would take the total of 50, 50, and 30 and treat that as Ohio frontage and that would be how we would calculate that.

Mr. Mikesell asked so if my calculations are right then as a C-1 they can have 32 square feet of signage and a C-2 they can have 130 square feet of signage and C-3 would allow then 520 square feet of signage?

Mr. Andrew stated that would be correct yes.

Mrs. Soderberg asked and a C-3 would allow them, if there were six businesses, six pole signs that are 35 feet high. Would that be the maximum?

Mr. Andrew stated yes there is no limitation on that. Usually it's self-limited from just a cost standpoint, but part of the idea behind no limit on the number of signs is that a lot of our C-3 businesses have a number of wall signs, and so if you drive by Wendy's or a place like that which is on a corner, they might have wall signs that face three directions. So what C-3 does is it just says here's a sign allowance of 500 some square feet, you can decide how you want to divide that up, but I think that's the best way to describe it is what you see at Dillon's or Wendy's is typical of C-3. What you see at Great Plains Credit Union is pretty typical of C-2 or the Countryside Plaza that has Papa John's and some offices in it, that is C-2 and most of those businesses have one or two wall signs on the wall. So that's the way that's addressed. Again you don't always look at the zoning of property purely just for sign purposes, there are some other challenges on the site but the way it's laid out and having three different buildings, it has been a challenge to limit it to one ground sign because there's not a good place right now to put a single ground sign where you can really identify all the tenants.

Mrs. Yarnevich asked you can't put a monument sign where there's been concrete?

Mr. Andrew stated you could do that yes. That has been done where you carve out an island or you saw, I mean Subway's doing that right now where they're sawing out a lot of the existing concrete and putting green islands back, that can certainly be done.

Mrs. Yarnevich asked well I mean it has to be on a green island? You can't put it in the concrete?

Mr. Andrew stated well you could put it on supports in the middle of the paving, it's just that if you don't put something around it there's a tendency for it to get run into. So a lot of times people will carve out an island and maybe use curbs or something because just putting a ground sign in a paved access area, there's usually no protection to keep vehicles from bumping into the sign.

Mrs. Soderberg asked just for informational purposes, the situation with the parking lot in the back and the land that was sold, then what happens if the

City grants an occupation permit after the completion of the building, then there's no recourse if later it's discovered that some condition has not been met?

Mr. Andrew stated not other than persuasion, I mean that was on oversight. That building was allowed to be occupied with no parking and if you drive by there today you'll find that the tenants don't have any place to park. They park in the street or the yard or different places. That was an oversight because it was inspected and nobody made sure that they built the parking. I had visited with the owners previously and we were working on trying to come up with some ideas that would allow for some parking to be added at the rear for the apartments. They thought that would make them more marketable. But the split that was made in that lot, the lot is still big enough to support the apartments, it's just as a practical matter you can't really fit any parking in there because of what's been done. Now the ideal situation, if this is planned to be a parking lot would be to have some arrangement where the tenants there could park in that lot. But we're not sure if that's designed and intended to be a parking lot or not. It's not striped or anything so we'll hear from the applicant about what the purpose of that is.

Mr. Simpson asked any other questions at this point? If not would the applicant care to address the Commission please? Give your name and address.

Lonnie Wilson, 2025 Ridgeview Road, stated I'm here representing my mother, Joan Wilson who owns the property. Just on that rear parking lot issue right there, they were intending to build a duplex or something, maybe it was two duplexes back there I don't remember for sure. But they wanted to have some ingress egress on our property and at that time we thought it would be too much congestion and we asked them what they'd take for the lot and they gave us a price on it that we thought was fair, and so we just bought the property and I think solved all the problems because we just poured a parking lot for excess parking for our tenants. Of course in the evening if their tenants want to park there there's not really a whole lot we can do about it, not that we care anyway, but there is no formal arrangement made between me and the owner or my mother between us and the four-plex that is there. When she bought that building there was an existing sign and if you go back to that picture, I don't know if you can, the one that had Allstate Insurance sign on there. There you go. It was in that general area right there where that sign is and the sign was falling down and it was an old wood sign that was in real poor condition. Well we finished taking it down thinking well maybe some day we'll replace it. Well some day we went to replace it and found out we couldn't do it because we didn't have the right zoning. That's where we intend to put the sign now is on that green spot basically in the same place where that Allstate sign is. That will give us exposure to people driving up and down Ohio Street and also when they come off of Belmont onto Ohio right there. That's what her intentions are and our intentions. All we want to do is do a better job for our tenants and be able to have them advertise to make it known that they're in there.

Mr. Simpson asked how many tenants do you have now in this?

Mr. Wilson stated the first building has two units in it. The center building has four units. The last building is currently being used as one unit but could be divided up and made into two rentals.

Mr. Simpson asked so you would have a sign with the tenant's names whatever?

Mr. Wilson stated yes we might call it whatever name of the plaza or something like that and then just list the names of the tenants on there is all we're trying to do.

Mr. Simpson stated okay. Is that doable under C-2?

Mr. Andrew stated it would be. I'm trying to find out why it wouldn't be doable under C-1 unless it had something to do with the size or something.

Mr. Wilson stated well we were told when Hedges was coming out and putting that Allstate sign up that we had to get a zoning change on it to do it.

Mr. Andrew stated the only thing that I've seen from reviewing that was that if this sign remains there then you wouldn't be able to put up a second ground sign. This Allstate sign would have to come down and be substituted for by a sign that served the whole office complex. If there was a sign proposed that would go in this green space and it was 32 square feet and it listed all the tenants, that's what C-1 is designed to allow for. I'm not aware of anything that I saw reviewing the sign history on this property where that had been turned down other than some notations about it being limited to one ground or pole sign.

Mr. Mikesell asked what is the size of the sign that you were wanting to put up?

Mr. Wilson stated we hadn't really got into it. It's similar to what Darwin Dent has down in front of his property on the corner, caddy-corner from the Dillon's store on South Ohio.

Mr. Andrew asked there at Albert and Ohio?

Mr. Wilson stated yes Albert and Ohio. I think something similar to that, we thought that was a good-looking sign, we were driving around trying to figure out what we were going to do and kind of put it on hold until we found out what happened here.

Mrs. Yarnevich asked so did you intend to take the Allstate sign down and then put this in it's place?

Mr. Wilson stated if the tenant would go along with us on that. That actually is her sign at this time and I don't know whether she'll agree to that or not so I can't say that until the lease turns around.

Mrs. Yarnevich asked is there green space to put another sign there?

Mr. Wilson stated I think there is but I think we can incorporate it or go around to the east of that sign and make it work. That tree might have to come down but that would be the only obstacle.

Mrs. Soderberg asked so where would the sign go if it were changed to C-2 or C-3?

Mr. Wilson asked if we could change the sign right now? If we could have permission and the Allstate tenant did not want us to take her sign down we would go directly to the east of that and then put the sign up there, put it in the same area.

Mrs. Soderberg asked how tall of a sign?

Mr. Wilson stated I really don't know how to answer that right now. We're not going to dwarf our buildings or make it an obscene looking gross thing out there. It's going to be attractive, but it still needs to be big enough that when they look at the letters on there that they can tell who the tenants are in there, the blanks is what I'm saying.

Mrs. Soderberg asked is there a reason why you wouldn't put a monument-type sign in the concrete area in front of those three buildings?

Mr. Wilson stated we don't want to lose the parking.

Mrs. Soderberg stated I've just never seen enough cars over there to think that parking is an issue.

Mr. Wilson stated you got somebody backing up and if there is a curb set with a monument sign out there in the middle of the parking lot it just becomes a handicap to get around.

Mr. Mikesell stated conversely if we did change to a C-3, if we did approve this request, you could put up a 35 foot tall, 20 feet wide by 26 foot tall sign.

Mr. Wilson stated we're not going to. Legally we could I guess but I don't know if you'd want it to drop or want to have a restriction we can throw that on there because we're not going to spend the money, one, for a 35-foot-tall sign to stick out there and we don't think it would look good for our business.

Mrs. Yarnevich stated someone in the future may do that.

Mr. Wilson stated that's not our intention. The intention is to put up a sign for our tenants that will work.

Mrs. Yarnevich stated I find it rather confusing. Now would a C-2 allow him to put up a sign like he wants to put up without changing it?

Mr. Andrew stated yes and I guess the only thing we're confused about is we can't tell you that C-1 wouldn't. I don't recall that anybody proposed putting up a monument sign out in that green space and were told they couldn't other than from the standpoint that the Allstate sign would have to come down if a monument sign for the whole complex went in its place. That would be correct, certainly C-2 would have more of an allowance than what is there today. But as Mr. Mikesell pointed out, the factor of four between C-3 and C-2 is what's the difference in signage. I think the other thing I wanted to clarify, that if someone had done what was done over on Lambertson Lane which is zoned similarly to this lot and gone in and just paved it and put in a parking lot on a residential lot, we would have gotten lots of phone calls and we would have told them certainly that's not allowed, you cannot take a residential lot and put commercial parking on it. So I just wanted to clarify that.

Mrs. Soderberg asked did Allstate, and Diane Carter is then the agent for Allstate, did she have your, I assume as property owners, permission to put this sign up?

Mr. Wilson stated yes.

Mrs. Soderberg asked and so at that time you weren't aware that once that sign went up that was the only sign that could be there?

Mr. Wilson stated not until they were ready to put it up. You know they were

standing right there.

Mr. Mikesell asked does your lease contract have any provision for signage in it for the tenants?

Mr. Wilson stated I don't think so. I'm not sure on that I would have to double check on that lease. What the signage is it must be approved signage or something like that, it's kind of a standard lease contract.

Mr. Simpson asked any other questions of Mr. Wilson? Alright thank you Lonnie. Is there anyone else who wishes to address this application?

Bob Wasko, 217 N. Santa Fe, stated excuse me I've got a cold so if you don't understand me I'll try to go over it again. My name is Bob Wasko I'm an attorney, I'm here to represent Lewis LaPierre who owns the optometrist building just north of this location. Dr. LaPierre isn't tremendously concerned about the signage that the Wilson's are suggesting, that's fine. They are concerned however if you make a blanket change to C-3. That area is very congested from a vehicle standpoint as far as getting in and out and they are afraid that if you create a C-3 zone there, there could be any kinds of retail uses that will only make that congestion that much worse. Also, it is a little bit misleading as to the south line of LaPierre's property, it intersects about half of that area that pours out into the cul-de-sac. So the Wilson's property is quite a bit narrower than at least looking at this direction you would think. And in fact, Dr. LaPierre plans on expanding their facility here in the not too much distant future to about the end of the green space. If I could walk over here to the screen a second. LaPierre's line runs pretty close. It runs about right in here. As you can see this abuts the concrete but LaPierre's property extends this far south. Again, the major objection is to C-3 just maybe a PC zone would be better where you could control the signs and the locations and you can make them bigger or smaller or whatever you want to do, but to just give them a blanket C-3 could create some real problems.

Mr. Simpson stated okay any questions of Mr. Wasko? Thank you Bob. Anyone else wish to address the application? If not, we'll bring it back to the Commission for discussion and action.

Mrs. Soderberg stated I have a question about the parking lot that has been paved over and the request to zone it also as C-3. So if it were rezoned C-3 any kind of C-3 use could be placed on that lot then?

Mr. Andrew stated if it had commercial zoning, I mean you still have to provide no matter what use it gets converted to, you have to provide the amount of parking that the use requires. So it is correct to say that if you have, there's a number of issues there that if you construct a parking lot like that abutting residential, you've got to put up a screening fence and a number of things like that that have not occurred, but that was part of the reason for including it in the application is if it is going to be used as a commercial parking lot it needs to be zoned accordingly, and then once we know it's a parking lot then it would have to be screened, but it is correct that any C-3 use could be made of that area if it is rezoned to C-3.

Mr. Mikesell asked does a C-1 zoning, if that parking lot area right there was zoned C-1, would that satisfy the zoning requirements?

Mr. Andrew stated you can have a commercial parking lot for offices in C-1 certainly.

Mrs. Yarnevich stated if we left it C-1 and made a provision to allow him to

put up a monument sign, what would that entail as far as, can you do that?

Mr. Andrew stated well you can be more restrictive but you can't allow things in C-1 that it doesn't allow. So what has been done before is as Mr. Wasko suggested, you could do something like a Planned C-3 and you could limit that to C-1 uses only, and then under C-3 specify whatever you wanted to as far as signage. But I think that they probably need to be a little more specific. To do a Planned C-3 you need some parameters to work around so the Wilson's would need to give us some idea. We wouldn't want to go through all that and still not have something they say is going to work as far as signage. But the way to do that would be to do a Planned C-3 district and then limit the types of uses that you could do, and then you could do whatever you wanted in terms of signage that was more restrictive than four square feet per linear feet of building frontage.

Mrs. Yarnevich asked well it seems to me that the C-2 designation, would that not cover all the contingencies?

Mr. Andrew stated that would pretty much be a middle ground or compromise position. I mean you could still end up with a sign that looks like Great Plains Federal Credit Union, but they're restricted on the total amount of signage they can have. But that would be more liberal than what is there today but it wouldn't open it up to a whole lot of uses like grocery stores and things of that nature.

Mr. Mikesell stated but certainly they would be able to put up what these figures, a 10' x 13' sign in a C-2 which would certainly provide enough room for the name of the plaza, and then if you had eight tenants in there, that still would be quite a bit of room for each tenant, right?

Mr. Andrew stated I'm not sure you could fit a 10' x 13' into that little green space.

Mr. Mikesell asked but if you did change the zoning they would have the ability to do that?

Mr. Andrew stated that's correct.

Mrs. Soderberg asked I'm still stymied by the parking lot for offices and what is the advantage of changing that zoning?

Mr. Andrew stated well if the zoning is not changed then it can't be used.

Mrs. Soderberg stated aha now I get it.

Mr. Andrew stated that would be a good reason for giving it some commercial designation, I mean it should have been rezoned first and then the parking lot built and but we're doing this in reverse order here. But in order for it to be recognized and used as a commercial parking lot, again I mean if you could imagine your neighborhoods that you live in and you could take a vacant residential lot and just go in and pave it and pronounce it as a parking lot, I think a lot of neighborhoods would be concerned about that, well you can't. But it was done here and so we've got to either recognize it or say it shouldn't be used.

Mr. Funk asked what percentage of that lot is paved? What's the size of that concrete slab? It isn't that whole lot is it?

Mr. Andrew asked you're talking about the one in the rear?

Mr. Funk stated right, that one there that he's pointing to.

Mr. Andrew stated it's pretty close to the whole thing. I mean it doesn't show up in this photo because this is an April, 2005 photo and it's been done since that time.

Mr. Funk stated yes there it is.

Mrs. Yarnevich stated well I'm going to take a stab at this.

Mr. Simpson stated alright.

MOTION: Mrs. Yarnevich stated I move that on Application #Z06-10 we change the zoning from C-1 and R-3 to C-2.

SECOND: Mr. Mikesell

Mr. Simpson stated including the parking lot.

Mrs. Yarnevich stated that includes the parking lot, the R-3 one.

Mr. Simpson state okay. It's been moved and seconded. Are there any other questions or comments? If you're ready to vote those in favor say aye. Opposed?

VOTE: Motion carried 7-0.

Item #4. Application #Z06-11, filed by Triplett Self-Storage, requesting a change in zoning district classification from R-3 (Multi-Family Residential) district and C-5 (Service Commercial) district to I-2 (Light Industrial) district to allow outdoor and covered RV storage. The subject property is located on the east side of North Ohio Street between Orscheln Farm and Home and the Lakewood Middle School campus.

Mr. Andrew presented the staff report which is contained in the case file.

Mr. Simpson asked any questions of Dean and the staff?

Mr. Funk stated on that aerial that you have, could you, the aerial photograph John, exactly what area on that aerial are we talking about?

Mr. Andrew stated we're talking about a finger that comes along here, goes back and then is the grassy area behinds the Orscheln's store.

Mr. Funk stated well there's grass clear to that street.

Mr. Andrew stated well this line here is the property line between what we're talking about and the school property. They purchased this piece from Orscheln's and a little finger out here. This was previously owned by the school district and they swapped some land here for this. So we're talking about this strip and then back in here.

Mrs. Soderberg asked and where's the strip, the Orscheln's strip that is not zoned I-2 that we would be leaving?

Mr. Andrew stated well it runs kind of through the middle of their store or right

in front of their store.

Mrs. Yarnevich asked who owns that strip east then, USD 305? Yes that little piece.

Mr. Andrew stated this was a piece of property that was owned by Triplett and that was swapped for a piece over here, so it gives them access to North Street because the middle school boundary is here and it goes out and comes back here then goes like that. We are primarily talking about this area here and a piece in here.

Mr. Simpson stated okay would the applicant or representative please address the Commission. Please give your name and address.

Mark Augustine, 148 Mt. Barbara, stated Dean mentioned the piece that we swapped with the school, at that time it was an oversight not to get the zoning handled. As we look back at it as far as the parcel that we bought from Orscheln's, as Dean stated, it would standardize how we would develop the property under I-2. I do have a question for Dean that probably he can answer. On I-2 what are the requirements for landscaping and paved drives and parking, are there any?

Mr. Andrew stated there are no requirements, that parking be paved or that front yard landscaping be provided in I-2. The difference here that we described is there's an area known as the Northeast Industrial Park that was done in the mid-1970's and it had some covenants, some overlay requirements, that in certain areas in the Northeast Industrial Park had those in place. But this property that you're talking about is not part of that. It's only along the Ohio frontage. So the exception to that would be the overlay, but the general rule in I-2 is that paving is optional and landscaping is optional.

Mr. Augustine asked so this Northeast Industrial Park would not be applied in the piece of land that we're talking about?

Mr. Andrew stated right it only comes to that line, if you could go back to the zoning map John. The reason that this line got created is that the Northeast Industrial Park was put down as an overlay and it comes back over here and then it comes back this far. But it does not extend as far east as your property.

Mr. Augustine stated I guess I would stand for questions from you if you have any.

Mr. Simpson asked any questions of Mr. Augustine?

Mrs. Soderberg asked what surface do you propose to apply here to that?

Mr. Augustine stated that's still in the development stage but we do have some of our property that is currently paved and some that's currently rock, so we would just need to look at that during the permitting process.

Mrs. Yarnevich asked that property is in the flood plain?

Mr. Andrew stated a good portion of it is yes.

Mrs. Yarnevich asked so if you build storage units there do people need flood insurance for the storage?

Mr. Andrew stated generally not if you do something like a three-sided pole barn or something that stores vehicles or trailers in it. They are movable and removable and generally the requirement would be if you built a true mini-storage building it would have to be elevated to a certain height. If you built a building that was essentially a three-sided pole barn to park RV's or trailers undercover, you do not need to elevate that.

Mrs. Yarnevich asked what is planned to go in this area, the little storage units or the RV parking?

Mr. Augustine stated currently our plan is to do outside storage and covered RV parking and what Dean just mentioned to you, probably a three-sided pole barn with the ability for the water to flow through or remove the vehicles if necessary.

Mr. Simpson asked any other questions? Thank you. Does anyone else wish to address this application? Seeing none, then we'll bring it back to the Commission.

MOTION: Mrs. Soderberg stated I move for the approval of I-2 zoning for Application #Z06-11 as requested.

SECOND: Mrs. Yarnevich

Mr. Simpson stated it's been moved and seconded. Any other questions or comments? Those in favor say aye. Opposed?

VOTE: Motion carried 7-0.

Mr. Simpson stated I believe Mr. Frazier is now here so we'll go back to Item #2.

Item #2. Application #Z06-9, filed by Mark Frazier, requesting a change in zoning district classification from R (Single-Family Residential) district to I-2 (Light Industrial) district to allow plumbing equipment storage. The subject property is a tract of land located on the south side of Prospect Avenue 1165 ft. east of Ohio Street and is addressed as 1328 Prospect Avenue.

Mr. Herrs presented the staff report as contained in the case file.

Mr. Mikesell asked is there anyone living in that little blue house just to the west of that property?

Mr. Herrs stated actually we have some pictures of the area that I can show you here and it moves from, this is the current property and the next properties that we're going to show you will be moving east, and then we'll show the north side and then come back around from the west. But this is the subject property as you see here. There once was a structure here that was torn down. The applicant kept the garage and is proposing to use it as storage for equipment and vehicles that are needed and apply to their business. Another angle here you can see where there was a demolition that took place and the fence is still standing as a buffer between the current residential property, and this over here is a residential property that we'll see towards the end of our slide show. Here we see trees along with that fence there that acts as a buffer. This here is the current property that the Frazier Brothers own that is directly to the east and was the one that in 2001 was rezoned to I-2 from residential. As you can see here, this is another picture of it, it's a wide property so we took two pictures. You can see the storage of some of their equipment and vehicles. Here is a wider angle that shows a

shed in addition to the vehicles that are on that property that is directly to the west. This was their original property that was rezoned from R to I-2 in 1999 and this here is their office which was a residential unit that was converted to their office and a storage facility in the back with vehicles and parking here. This property here is a property that is directly to the east of the original property which puts it three properties over to the east of the proposed property. This again as we move a property east, is a residential dwelling. Another angle of this where they have their garage and the house you can see that the house in here is well kept and we have some landscaping, a lawn.

Mrs. Yarnevich asked what's in the back? Back there?

Mr. Herrs stated it's my assumption that is a garage but I can't tell you exactly.

Mr. Andrew stated it used to be some kind of shop back there, an upholstery shop or something, but it was pre-existing, grandfathered situation but there was an upholstery shop in that back building at one time. I can't speak to whether it's still there but there was something in the back there that was like that.

Mr. Herrs stated this here moving east some more is another residential unit. This would be to the northeast across the road from the last picture we just saw and this would be another industrial area. So here we start moving into some of the more industrial land uses here. Going west from the property there is some vacant land or open space with some storage and stuff back here to the north, another parcel of property that is vacant. Here is directly north of the proposed zoning change and here we have an industrial use storage facility that is located across the street. Then directly west of the last property we just saw is this storage facility that is to the northwest of the proposed zoning change. This is on the south side of Prospect to the west of the proposed zoning change. This is two houses to the west so to the west of the proposed zoning change there are two consecutive residential units and this is one of them. Here is an angle of the other one. This is the front angle. This here is the fence that we saw in the trees that exists along the western edge of the proposed zoning change. Once again we are back to the front.

Mr. Simpson asked okay any other questions?

Mrs. Yarnevich asked the fence and trees don't come out all the way to the street, so if you zone it over all the way, won't we need to buffer all the way back out into the street? Am I mistaken in that?

Mr. Andrew stated no there would be a need for a solid wood screen where I-2 abuts any residence.

Mr. Herrs asked are you talking all the way to the street from here?

Mrs. Yarnevich stated right.

Mrs. Soderberg asked and that's present then on the east side?

Mr. Herrs stated this direction would be, we are actually looking south.

Mrs. Soderberg asked no on the first the original rezoning between that and the residential is there a complete buffer there? If you move it a few pictures.

Mr. Herrs stated right here this is the adjacent property to the east if that's what you're talking about.

Mrs. Soderberg asked where there are offices right now and then that house where we thought was an upholstery shop in the back, is there a buffer there?

Mr. Herrs stated I see what you're saying.

Mrs. Soderberg stated I think we need to move about three slides or something.

Mr. Herrs stated just try that one and we'll see where we are.

Mrs. Soderberg stated I guess it would be on the other side of that.

Mrs. Yarnevich asked is that fence the one we just saw? No?

Mr. Herrs stated that I believe, go to slide 8 John if you would, okay 7, where there's trees, I can't tell you for sure.

Mrs. Soderberg asked but there should be?

Mrs. Yarnevich asked that's the house that's directly next to the part they want to rezone, this one right here?

Mr. Herrs stated no this is the original. Let's go to the map if we could. This is the proposed zoning change. This was the original, this is where the office currently resides. So what we were looking at is if there was a buffer between this residential unit here and the office here, this here has a garage but is mainly vacant open space but there is a storage shed there and that's where they store some of their vehicles and equipment.

Mr. Simpson asked okay any other questions? Would the applicant care to address the Commission?

Mrs. Soderberg stated I have a question for him.

Mr. Simpson said yes if you would please, please give us your name and address.

Mike Frazier, 140 Overhill Road.

Mrs. Soderberg asked is there a buffer between your office building and the residence to the east?

Mr. Frazier stated there is a row of elm trees all along there.

Mrs. Soderberg asked to the street then?

Mr. Frazier stated yes from, well they probably have a picture of it there, pretty close I would say within 5-10 feet of the street and then on back to the south there is a row hedge.

Mrs. Soderberg asked and does that fulfill the requirements Dean for buffer?

Mr. Andrew stated it's supposed to be a solid screen. Generally a treeline unless it's densely planted end to end would not satisfy that. Although we

have not received any complaints from the owner to the east, they would probably prefer the tree line to having a fence.

Mr. Frazier stated the neighbor to the west of the property that we're trying to rezone was pretty happy that we took down the house that was there.

Mrs. Soderberg asked but how do you propose to, what do you propose to put in there?

Mr. Frazier stated I would propose that if we're required to we'd put that fence all the way out. But I'm just wondering we're kind of in a unique area back there. If you go up and down the street there every other property, this would have to be done too. If you go back to looking at which ones are I-2 and which ones are residential, I mean if we were required to put up the fence we would be glad to do that.

Mrs. Soderberg stated I think you're required to put up a fence.

Mr. Ritter asked would we do that all the way down the street then, would everybody do that?

Mrs. Soderberg stated well they should have.

Mr. Ritter stated but if that neighbor would complain what then?

Mr. Frazier stated oh we'd be glad to, sure.

Mr. Simpson asked okay any other questions for Mr. Frazier? Thank you. Would anyone else care to address this application? Seeing none then we'll bring it back to the Commission for discussion and action.

MOTION: Mr. Mikesell stated I make a motion that we approve Application #Z06-9 as requested.

SECOND: Mrs. Yarnevich

Mr. Simpson stated it's been moved and seconded. Any other questions or comments? All those in favor say aye. Opposed? Thank you.

VOTE: Motion carried 7-0.

Item #5. Application #Z06-12, filed by the Foley Equipment Company and H-M Olathe, LLC, requesting a change in zoning district classification from C-7 (Highway Commercial) district to I-2 (Light Industrial) district. The subject property is located at the southwest corner of Ohio Street and I-70 and includes Lots 1 and 2, Block 1 in the Replat of the Foley Addition to the City of Salina, Saline County, Kansas.

Mr. Andrew gave the staff report which is contained in the case file.

Mr. Simpson asked any questions of Dean or members of the staff?

Mrs. Yarnevich asked so we could approve the I-2 and then put in the North Ohio Overlay District or we have to do that first?

Mr. Andrew stated well I'm saying that you could approve the I-2 today with the assurances of staff that we would come forward with that. We are discussing that with the City Commission on Monday, but the direction we got from you is that you were interested in pursuing that and we think that's

the way to look at Ohio, as a corridor as a whole, because there are some properties across from A Plus Galvanizing that are shown as future industrial land, but if it's industrial it can still look attractive along Ohio and so we think it's not just the use or the underlying zoning, but what you require along the street frontage. So we think the overlay district is a way to address that rather than looking at the underlying zoning. So our recommendation would be to move forward with this change and we would follow-up with the overlay district.

Mrs. Yarnevich asked if we approve I-2 then the overlay would not pertain to this property?

Mr. Andrew stated yes it would. The overlay would apply to whatever you decide the geographic boundaries would be. So if you decided that the overlay starts at I-70 and goes down to North Street then anything that happens in that corridor would be subject to the overlay.

Mrs. Yarnevich stated but I-2 doesn't require paving or landscaping.

Mr. Andrew stated that's correct, the overlay district could though. The overlay district could say you can have I-2 zoning but the overlay could say your property still needs to have paved parking and do something along the front yard, that's the purpose of it.

Mrs. Yarnevich stated so that seems like it's the cart before the horse here.

Mr. Simpson well I think you intend to address this particular application through the platting process, the replatting of the property.

Mr. Andrew stated right, and the idea is that by the time that Foley Equipment would be ready to do something on the property that the overlay district would be in place. They would have an opportunity to review that and then the project that they do or projects would be with that in place.

Mr. Simpson asked any other questions of staff at this point? Would the applicant or their representative please address the Commission?

Bill Moody, Foley Equipment Co., 1550 S. West Street, Wichita, KS stated ladies and gentlemen of the Planning Commission I work for Foley Equipment Company and I live in Wichita, Kansas. As Dean has put it so well, we had a great plan in 2002 and then there was this business with KDOT that kind of fouled the plan. Our intent in this whole thing and the replatting, and you can see where we've got buildings laid out now and it's getting a little bit cramped, but our intent in this whole thing is we have some good friends and neighbors right to the north of us called Kenworth. By the way we have a young man from Kenworth right here if he needs to speak. Long-term it's going to be difficult for them to continue to operate. So we said okay we'll sell you that two acres due west of you so you'll have a place to park your trailers and what have you. Having done that and then moved the detention pond over due west where it was, it's kind of got that property small enough now that we need all of it if we're going to put a full-sized branch operation there. So that's the intent of us coming to you and asking for that. When we did this originally, Dean what was it that we called it where we were going to put a berm up on the top side of the pond?

Mr. Andrew stated a landscape buffer.

Mr. Moody stated we've already done that. This is long before any kind of an overlay is in place. We've already got the berm in place and we'll do the same thing on the frontage of Ohio Street. Now I know what your concern is, "Ya Moody I know you'll do it, but what happens if you guys were to sell it and somebody else were to come in?" and I think that's pretty well taken care of by the overlay. No one could come in and do it unless they were approved through the overlay process. So that's what, we're pretty good corporate citizens, we'll take care of your entrance way and probably make you proud to have us there, but I know that you have to look down the road. I would be happy to answer any questions for you.

Mrs. Yarnevich asked so you're happy to be subject to the overlay?

Mr. Moody stated yes ma'm as we were on the first go-around.

Mrs. Soderberg asked what is your time frame for construction?

Mr. Moody stated well we don't know yet. We need to get this settled, and we're also looking at some land due south of this property owned currently by the Diederich's and we need to get that worked out as well. So I'm not trying to be evasive I just don't have a firm plan in mind.

Mr. Simpson asked any other questions of Mr. Moody? Alright thank you sir. Anyone else wish to address this application? If not, we'll bring it back to the Commission for discussion and action.

Mrs. Yarnevich asked Dean what was it that you said about they're subject to satisfying the replatting?

Mr. Andrew stated well that's the next item. The lots need to be reconfigured and that'll be addressed in the next item. What it means is that you have to have Lot 1 and Lot 2 in place to assign the zoning to, so they'll have to complete the replat process and the final approval of the zoning will occur simultaneously with the plat. That's what you see as the companion item that's next.

Mrs. Yarnevich asked does that have to be included in this motion?

Mr. Andrew stated well it's saying that if they don't proceed with the plat then the zoning change doesn't occur because there is no lots to assign it to.

MOTION: Mrs. Yarnevich stated okay, alright, I would move that we approve Application #Z06-12 subject to their completing the replat of the property and subject to their agreeing to the North Ohio Overlay District requirements. Does that sound right?

Mr. Andrew stated and that's really in our court. We will follow-up with that.

SECOND: Mr. Mikesell

Mr. Simpson stated it's moved and seconded to approve this application. Any further questions or comments? Those in favor indicate by saying aye. Oppose?

VOTE: Motion carried 7-0.

Item #6. Application #P01-1B, filed Foley Equipment Company and H-M Olathe, LLC, requesting approval of a replat of the Foley Addition and the adjoining Kenworth Tract. The subject property is a 17.04 acre tract located at the

southwest corner of Ohio Street and I-70.

Mr. Andrew gave the staff report which is contained in the case file.

Mrs. Yarnevich asked Dean you have six recommended conditions on this sheet of paper that we were given which one would be dropped?

Mr. Andrew stated well there would actually be the six, I think we broke one out and turned it into two separate conditions but they will need to fulfill those five, the sixth one is basically saying that we will need to get everything cleaned up in order for signatures and all before it goes to the City Commission. That would be the 6th item.

Mrs. Yarnevich stated ok so do you want that included in the motion?

Mr. Andrew stated that should be included yes.

Mr. Simpson asked are there any other questions of staff?

Mr. Funk asked what's the nature of the access control along that stretch is it only that first 322 ft. is that where the access control stops?

Mr. Andrew stated we might have to get additional information, I am believing that KDOT purchased access control but the plan is that even if it didn't that we would request platted restricted access except for that opening at the south which will lead into the Foley site. John if you could go back one to the preliminary.

Mr. Funk asked where does Kenworth have access?

Mr. Andrew stated this road was built by KDOT, you probably can't see it here and that provides access to the rear of Kenworth.

Mr. Funk asked and that will remain in place?

Mr. Andrew stated right now it's owned and maintained by KDOT. We are reasonably sure that that's not going to be maintained by KDOT forever, but at this point they haven't said anything.

Any other questions of Dean or the staff? Alright what is the pleasure of the Commission.

MOTION: Mrs. Yarnevich stated I move we approve Application #P01-1B subject to the conditions of approval that Dean has specified in his report.

SECOND: Mrs. Soderberg

VOTE: Motion carried 7-0.

Item #7. Application #P06-1/1A, filed by Blue Beacon International, request approval of a replat of Blue Beacon's land holdings in the Westport Exchange Addition. The subject property is located at the north end of Graves Blvd. and Westport Blvd. and contains a total of 74.70 acres.

Mrs. Soderberg stated I would like the minutes to reflect that I am declaring a conflict of interest and leaving the table.

Mr. Andrew gave the staff report which is contained in the case file.

application? Would the applicant or representative care to address the Commission?

Yes, John Munson, representing Blue Beacon International, 7269 West Humbarger Road. We would like to see that last parcel that he talked about remain as the initial lot so that the only part that is separated out would be where the truck terminal building is. That is under a separate partnership but the chemical building which relates to all of the Blue Beacon functions along with PowerVac and Verwater is located in that last parcel that he talked about.

Mr. Simpson asked and the truck terminal is?

Mr. Munson stated the truck terminal is that area right there, Block Two.

Mr. Andrew stated that is a separate ownership so that is clearly a second lot. What we were suggesting was that this could be identified as a separate lot but what Mr. Munson is saying is that's the way they showed it on the plat but this kind of half circle here would be all entirely one lot, one ownership, one zoning.

Mr. Simpson asked and that doesn't create a serious problem as far as the City is concerned?

Mr. Andrew stated no we were just looking at it as a different function and being on the other side of the street and all, but we recognize that they had a reason for drawing it up that way so like I said that was a suggestion but it is not going to cause any difficulties if that's included the way it is.

Mr. Simpson stated ok any other questions of Mr. Munson? Alright thank you. Does anyone else wish to address this application? There appears to be none so we will bring it back to the Commission for discussion and action.

Mrs. Yarnevich asked ok so under your staff recommendation and your conditions, #1 is what he was just talking about there?

Mr. Andrew stated that is correct. We were suggesting that Lot 1, Block 2 which is the very large piece, that that be broken out and further subdivided to create a separate lot east of the terminal building. Mr. Munson explained that that has a chemical building on it that's tied into PowerVac and their other operations and they would like to leave it as shown.

Mrs. Yarnevich asked so we would exclude that from our conditions?

Mr. Andrew stated if you would agree with that then you would just exclude Item 1 and I think Items #2, 3 and 4 will still hold. You would exclude one and you would have three conditions instead of four.

Mr. Simpson asked ok any other questions or comments?

Motion: Mrs. Yarnevich stated I move we approve Application #P06-1/1A subject to the conditions number 2, 3 and 4 in the staff report.

Second: Mr. Mikesell

Vote: Motion carried 6-0 (Soderberg abstaining).

Item #8. Application #A06-1, filed by Blue Beacon International, requesting annexation of 11.16 acres of Blue Beacon's land holdings adjacent to I-135 that are currently outside the city limits.

Mr. Andrew gave the staff report which is contained in the case file.

Mr. Simpson stated and it should be under I-2 zoning.

Mr. Andrew stated yes the idea was that the rest of the lot is I-2, this would be I-2 and their plan is to continue farming it at this time but that would make it a uniform zoning across the board for the entire lot.

Mrs. Yarnevich asked and there's no objection to farming I-2 property?

Mr. Andrew state the County Appraiser looks at how the property is used not necessarily how it is zoned and so certainly they have been farming the I-2 ground that they do have for some time and this would just extend the city limits.

Mr. Simpson stated Mr. Munson I assume you have no objection to this.

Mr. Andrew there was a question. I explained to Mr. Munson that earlier today I had a question about whether I-2 zoning allows billboards and it does, so the property adjacent to I-135 that is zoned I-2 would allow billboards in that location if that was a desire that they had.

Mr. Simpson asked any other questions or comments for the staff?

MOTION: Mrs. Yarnevich stated I move we approve Application #A06-1 and the recommendation that this tract be the annexed into the corporate limits of the city and that it be zoned I-2 upon annexation.

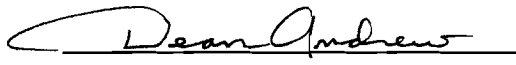
SECOND:

VOTE: Motion carried 6-0 (Soderberg abstaining).

Item #9. Other matters.

Mr. Andrew stated we probably have had enough items for this evening so we have no other matters for you. We will have a scheduled meeting the 15th of August but I promise it will be much shorter.

There being no further business the meeting adjourned at 5:40 p.m.


Dean Andrew, Secretary

ATTEST: _____